

May 20, 1986

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
SUPPLEMENTAL BUDGET REQUEST FOR CRIMINAL DIVISION

Yesterday you reviewed and approved my budget request for Fiscal Year 1987 as contained in the City Manager's Proposed Budget. During my opening remarks, I indicated that we needed three (3) positions (1 legal secretary, 2 intermediate typists) requested for the Criminal Division which the City Manager had not approved and thus were not included in the Proposed Budget. During the discussion, questions were also asked about the Code Enforcement Unit of the Criminal Division and whether I felt additional personnel could be devoted to that area. I was asked to report back today on the above subjects.

One (1) additional legal secretary is needed to provide clerical support for the newly approved Senior Chief Deputy, the Chief Deputy, the Assistant Chief Deputy and all the deputies in the Criminal Division, located in the Executive Complex. Presently one (1) legal secretary does all correspondence, memos, training bulletins, as well as pleadings for all deputies for probation revocations, requests for affidavits and miscellaneous motions not handled through the Appellate Section. This will increase to two (2) the number of legal secretaries performing this work for twenty-eight (28) deputies.

The two (2) intermediate typists are needed because three are new procedures being added to the clerical workload every week, and a number of things that are now being done on a catch-as-catch basis. The implementation of the Automated Case Tracking System on May 1, 1986, required the reassignment of certain clerical positions and a readjustment of workload. The following is a list of tasks which are not being done or need to be done in a more organized fashion in order to accomplish the tasks.

1. Making file copies of complaints, separating complaints from case files, forwarding complaints to the court and case files to the file room.
2. Clerical duties at "M" Court, on custody cases and on probation revocation cases.
3. Affidavit assignments and tracking.
4. Searching for and distributing cases to the appropriate work station.

5. "A" Court case preparation.
6. Notice of violation letters.
7. Drunk in public release orders.
8. Complaint Request Evaluations.
9. Raps: Using the computer to obtain and printout prior criminal history on defendants in preparation for court appearances.

CODE ENFORCEMENT UNIT

The Code Enforcement Unit presently consists of two (2) deputies, one (1) investigator and one (1) legal secretary. The clerical workload of preparing pleadings, correspondence and memorandums is oppressive for one (1) legal secretary. I believe the addition of one (1) deputy city attorney, one (1) investigator and two (2) legal secretaries would greatly enhance the efforts of the Code Enforcement Unit. Although additional personnel could always be utilized, the above additions could be utilized immediately. In our continuing evaluation of the Criminal Division, we will be examining additional needs in the coming year.

There are several reasons for adding personnel to the Code Enforcement Unit.

1. New inspectors added by City Enforcement Departments.

Several city departments have received or requested additional inspectors and support personnel. Just like the request for more police officers, the addition of more inspectors will increase Code Enforcement workload.

- a. Sign Administration: In the spring of 1985, the function of enforcing the City's sign regulations was transferred from the Building Inspection Department to the newly created Sign Administration. The former Zoning Administrator Joseph Flynn

became the new Sign Administrator in charge of five (5) inspectors and several support personnel. Earlier this year, the City Council appropriated additional funds to hire two (2) new inspectors and a typist to offset their demanding caseload.

- b. Building Inspection Department: Building Inspection has totally revised their entire code enforcement system. Over the last several months, the department created a new section devoted solely to the enforcement of the building code. It is headed by an engineer with three (3) full-time building inspectors. Moreover, the department received an allocation of several new field inspectors in the last budget. The department did submit an interim request for more building inspectors. I also understand that Building Inspection has asked for additional inspectors in this year's budget.

c. Zoning Administration: Although this department is sorely understaffed, it still generates most of our caseload. It has submitted a budget request for three (3) or more zoning investigators to assist in its enforcement efforts.

2. Increased Caseload.

As of April 21, 1986, Code Enforcement had three hundred eight (308) active cases. Approximately two hundred forty-four (244) new cases were sent between October 1, 1985, and March 31, 1986. The best way to put this case total into perspective is to recognize that each case will require some evaluation and a demand letter at a minimum. Many cases are not properly prepared by the inspectors. Thus, Code Enforcement and the department exchange several memos over a period of weeks until the case is ready to proceed. Approximately 65% of the cases will be resolved by demand letter. This leaves 35% to be resolved in the courts. Of the 35%, only 5% of the overall cases will result in a trial or preliminary injunction hearing. However, compared to criminal cases, injunctions demand an excessive amount of time for preparation of the complaint, declarations, orders and points and authorities. Code enforcement has five (5) active injunction cases.

a. Sign Administration: Before the reorganization, the Building Inspection Department referred approximately three (3) cases per month. At the time of reorganization, the Code Enforcement Section had approximately twenty-five (25) active cases. Since July 1, 1985, the new Sign Administration has referred fifty (50) new cases. Ten (10) of these cases were prosecuted as misdemeanor field citations against various car dealers for using inflatable displays without permits. Eleven

(1) new cases have been received through March 1986, to achieve a total of twenty-seven (27) active cases.

b. Zoning Administration: Since October of 1985, the Zoning Administration has referred ninety-nine (99) new cases. Approximately thirty-five (35) of these cases were part of backlog dating back to 1982. There are currently one hundred thirty-four (134) active zoning cases.

c. Housing Inspection: During 1985, the Housing Division referred forty-three (43) cases. While the Housing Division currently maintains thirty-three (33) active cases with Code Enforcement, almost half of these cases will be enforced via injunction or administrative abatement. On April 28, 1986, the City Council adopted a resolution ordering the demolition of a substandard dwelling at 233 So. 32nd Street. This is the first of several administrative abatement cases. The amount of time

required to prepare a case for City Council action via administrative abatement is significantly greater than the standard demand letter or criminal prosecution.

d. Building Inspection: During 1985, the Structural Division referred two (2) cases to Code Enforcement. Because of its reorganization, the new Code Enforcement team has now started its work on over one hundred fifty (15) backlog cases. Building Inspection has referred twenty-five (25) new cases through March of 1986 to give them a total of forty-seven (47) active cases.

e. Litter Control: Litter Control continues to refer approximately three to five (3-5) cases per month. Since October 1985, Litter Control has sent thirty-four (34) cases. There are twenty-one (21) active cases.

f. Noise Abatement: When the second Code Enforcement deputy was added in August 1985, enforcement of the noise abatement violations was transferred to Code Enforcement. Since August 1985, Noise Abatement has referred twenty-nine (29) cases. Then (10) of these cases resulted in criminal complaints. There are eighteen (18) active cases.

g. Fire Department: The Fire Department is another new department which has started to refer cases to the Code Enforcement Unit. Although the Fire Department has yet to authorize a full-time liaison with Code Enforcement, they referred ten (10) cases to Code Enforcement since August 1985. Code Enforcement filed seven (7) criminal complaints and has five (5) active Fire Department cases. The Fire Marshal is considering the creation of a full-time liaison with the City

Attorney's Office. This is a necessity if the Fire Department is to effectively enforce the Fire Code.

h. Health Department: The Health Department is the third new department which now refers enforcement cases to the Code Enforcement Unit. Since August of 1985, the Health Department has sent thirty-three (33) cases to Code Enforcement. Currently Code Enforcement has thirteen (13) active health cases.

3. Project First Class.

The Project First Class Code Enforcement Team started its programmatic sweep of the Fourth Council District in December of 1984 as part of Councilman William Jones' ardent campaign against neighborhood eyesores. The enforcement team has covered approximately 60% of the district, uncovering over two thousand five hundred (2,500) cases. Fortunately the team has gained 80% compliance. Project First Class has five hundred seventy-six (576) open cases. The enforcement team has started to refer some of these potential cases to Code Enforcement. In the last three

(3) months of 1985, Code Enforcement received thirty-five (35) were from Project First Class. There are currently fifty (50) active zoning cases within the Fourth District. Code Enforcement has closed another forty-three (43) cases from Project First Class.

4. Training and Coordination of Department Inspectors.

Both Code Enforcement deputies spend approximately 20% of their time training the inspectors from all of these City departments. Most of these inspectors have never testified in court and are unfamiliar with the style of report writing necessary before Code Enforcement can evaluate the merits of a case. Therefore, Code Enforcement routinely holds training sessions with each department to review case report preparation and investigative techniques.

In addition to this supervisory function, Code Enforcement, with the assistance from the City Manager's Office, coordinates interdepartment cases. Code Enforcement has many cases where several departments have uncovered violations of their respective codes. Code Enforcement coordinates the investigations between the various departments.

CONCLUSION

The costs of adding the legal secretary and two (2) intermediate typists total \$76,378. The addition of one (1) deputy city attorney, one (1) litigation investigator and two (2) legal secretaries with related costs total \$148,569. Attached for your information is detailed cost information.

Respectfully submitted,

JOHN W. WITT

City Attorney

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Attachment

RC-86-32